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## 2005 Decisions

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## Opinions of the United States Court of Appeals for the Third Circuit

11-1-2005

# Mahmood v. Atty Gen USA

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PRECEDENTIAL

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 03-3760

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SYED MAHMOOD,

Petitioner

v.

\*ALBERTO R. GONZALES, Attorney General  
of the United States,

Respondent

\*Substituted pursuant to Rule 43c, F.R.A.P.

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On Appeal from an Order entered before  
The Board of Immigration Appeals  
(No. A 70-891-107)

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Argued September 15, 2004

Before: ALITO, AMBRO and FISHER, Circuit Judges

(Opinion filed October 27, 2005)

Robert Frank, Esquire (Argued)  
Suite 1304  
60 Park Place  
Newark, NJ 07102

Attorney for Petitioner

Peter D. Keisler  
Assistant Attorney General, Civil Division  
Barry J. Pettinato  
Senior Litigation Counsel  
David V. Bernal, Esquire  
Douglas E. Ginsburg, Esquire  
John D. Williams, Esquire  
William M. Martin, Esquire (Argued)  
United States Department of Justice  
Office of Immigration  
Litigation  
P.O. Box 878  
Ben Franklin Station  
Washington, D.C. 20044

Attorneys for Respondent

**ORDER AMENDING PUBLISHED OPINION**

AMBRO, *Circuit Judge*

IT IS NOW ORDERED that the published Opinion in the above case filed October 27, 2005, be amended as follows:

On page 5, line 3, replace “2002” with “June 2001”, so that the phrase reads “..., and it dismissed the appeal as untimely in June 2001.”

On page 5, line 8, insert “in September 2002” after “motion” and before “on” so that the phrase reads, “The IJ denied the motion in September 2002 on the ground that it ...”.

On page 6, line 3, insert “second” after “Mahmood’s” and before “appeal” and replace the date “June 2001” with “August 2003” so that the sentence reads, “The BIA dismissed Mahmood’s second appeal in August 2003, and he timely petitioned for our Court’s review.”

By the Court,

/s/ Thomas L. Ambro, Circuit Judge

Dated: November 1, 2005